Louisiana Bucket Brigade
3416 Canal Street, Suite B
New Orleans, LA 70119

April 22, 2022

Dr. Earthea Nance
EPA Region 6 Main Office
1201 Elm Street, Suite 500
Dallas, Texas 75270

SENT VIA U.S. MAIL AND ELECTRONIC MAIL TO NANCE.EARTHEA@EPA.GOV

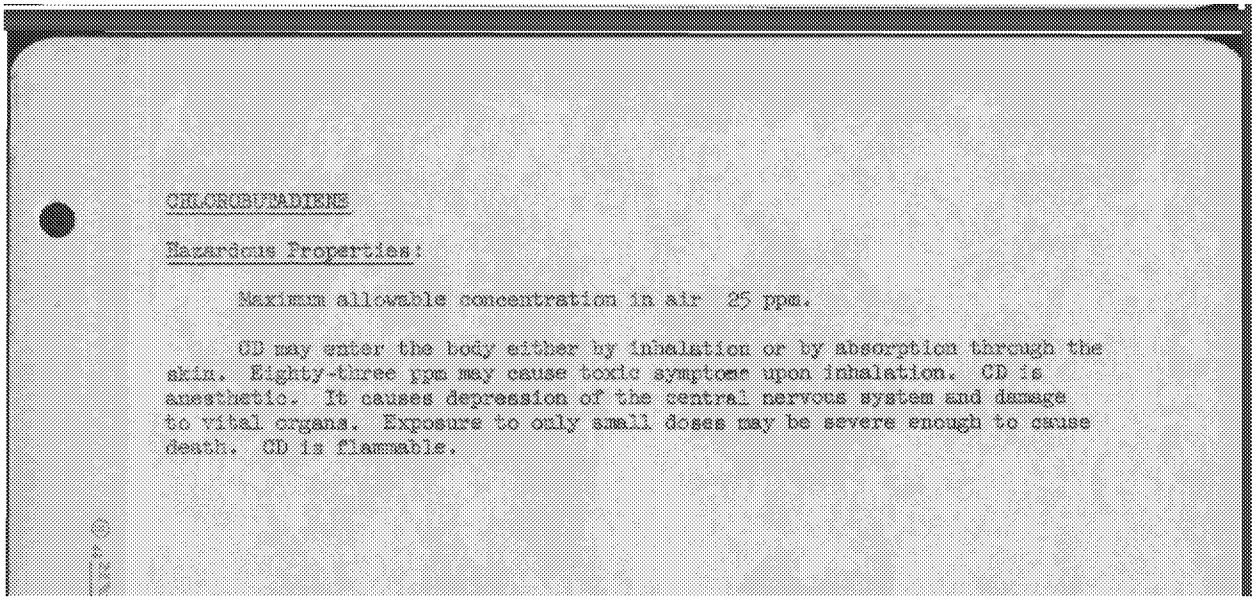
Dear Dr. Nance,

We are writing this letter to advocate that EPA use its enforcement authority to cease the emission of toxic levels of chloroprene at Denka's neoprene manufacturing facility in St. John the Baptist Parish, Louisiana (St. John). As the EPA's efforts to address chloroprene enters its second decade, the perpetrators of this assault on St. John Parish residents, including elementary schoolchildren, have failed to heed the pleas of the public and instead have attempted to subvert efforts to cease emissions of this carcinogen. We do recognize and thank you for the renewed air monitoring at the facility. However, we need enforcement. Therefore, we also urge the Region 6 Administrator's office to use your enforcement authority to hold the companies, DuPont and Denka, accountable for the irreparable harm inflicted upon a historically marginalized population.

The EPA's own findings of extraordinarily high rates of cancer and non-cancer health conditions caused by air pollution in St. John must not be understood as an accident or due to negligence, but as a preventable outcome caused by apathetic actors who were informed of the public damage they were to effectuate. **It is important that the EPA is aware that both Denka and DuPont have employed several tactics to evade accountability for the devastation caused by the facility's emissions, including concealing pertinent information from the public and legal action against the EPA for its reclassification of chloroprene as a likely human carcinogen**. While Denka touts its 2017 voluntary agreement with the Louisiana Department of Environmental Quality to reduce the facility's chloroprene emissions by 85%, the most recent air monitoring report at the facility has recorded an alarming number of days where the chloroprene concentration far exceeded the EPA's threshold. DuPont and Denka have successfully evaded any accountability for the harm caused by the facility. Both companies have repeatedly failed to meaningfully cooperate or accept their obligation to redress the devastation to local air quality and the health of St. John residents. DuPont and Denka have chosen to continue prioritizing their own profits over the people of St. John Parish.

Background:

DuPont constructed and operated this facility from 1968 for the production of neoprene, eventually becoming the leading producer of this product in North America. Yet as early as 1956, over a decade before it began operating the facility, DuPont had already noted in a technical report on poly chlorobutadiene (neoprene) that exposure to small amounts of its byproduct, chloroprene, may cause "depression of the central nervous system and damage to vital organs," severe enough to cause death. The following excerpt is taken from the 1956 report.



CHLOROBUTADIENE

Hazardous Properties:

Maximum allowable concentration in air 25 ppm.

CD may enter the body either by inhalation or by absorption through the skin. Eighty-three ppm may cause toxic symptoms upon inhalation. CD is anesthetic. It causes depression of the central nervous system and damage to vital organs. Exposure to only small doses may be severe enough to cause death. CD is flammable.

Image taken from page 11 of DuPont's 1956 *Technical Manual for Polychlorobutadiene Manufacture*

This report deemed the maximum allowable air concentration of chloroprene at 25 ppm and toxic exposure at 83 ppm, far below the EPA's current safety threshold of .2 $\mu g/m^3$. Yet DuPont's report shows that the company did have an understanding that exposure to chloroprene causes severe and debilitating symptoms and its potential for lethality. **Despite DuPont's knowledge of chloroprene's toxicity prior to inaugurating the St. John neoprene facility, the company never disclosed this information to the public.** DuPont's decision to begin operating the facility was made in spite of its understanding of chloroprene's severe toxicity. DuPont's attempt to conceal its knowledge of chloroprene was a successful strategy for 44 years when chloroprene was finally deemed a carcinogen by the EPA. The reclassification of the pollutant in 2010 finally forced DuPont to reconsider its ability to continue releasing chloroprene into the air of St. John as freely as it had done for nearly fifty years.

The EPA's focus on chloroprene worried DuPont as early as 2011, according to internal memos uncovered by the Guardian, as the EPA's reclassification of chloroprene indicated that the facility may soon no longer be able to inundate the surrounding air with large concentrations of chloroprene as it had done since 1968. These memos revealed that while DuPont had developed a plan that could reduce chloroprene emissions from this facility to levels below the EPA's threshold, it decided that selling the plant was more profitable than incurring the costs required to offset its emissions. DuPont attempted to discreetly secure a deal to sell the facility to Denka while also withholding its research on ways to offset the plant's emissions from the new operator. Furthermore, as DuPont still owns the land on which the facility lies, the company stipulated in its lease to Denka a requirement that the latter must operate the facility in the same manner as it had been by DuPont with certain changes[1] in the process requiring DuPont's prior written consent.

Denka's current ownership of the facility makes it difficult for the company to dismiss its own responsibility as easily as DuPont has, yet Denka also continues to resist accountability. From the time it took over the facility in, Denka has sought to obstruct the EPA's regulatory power against chloroprene. Since 2015, Denka initially pressured the EPA to reverse its stance on chloroprene, with no success, and subsequently pursued a Request for Correction appeal to strong-arm the EPA into alignment with the company's interests. While the EPA rejected this appeal in 2022, it allowed Denka to delay the EPA's ability to use its regulatory power to address chloroprene for two more years.

Denka's second approach has been to undermine the legitimacy of the studies on chloroprene conducted by the EPA and others, by funding private studies to support its claim against the pollutant's classification as a carcinogen. Denka continues to attack the validity of the EPA's findings, most recently in response to the EPA civil rights compliance office's probe into environmental discrimination in LDEQ permit process. Additionally, Denka's claims of having reduced the facility's chloroprene emissions by 85% as a part of its voluntary agreement with LDEQ is also opaque and has been met with skepticism by local residents. Even if taken at face value, Denka and LDEQ's arrangement did not consider the EPA's chloroprene safety threshold as a part of this agreement, and an 85% reduction in the facility's chloroprene emissions would still not fall below the .2 $\mu g/m^3$concentration threshold.

Recent air monitoring readings

[1] "Revealed: chemical giant sold Louisiana plant amid fears over cost of offsetting toxic emissions", The Guardian. 17 Feb 2021.
https://www.theguardian.com/us-news/2021/feb/17/revealed-chemicals-dupont-giant-sold-louisiana-plant-fears-offsetting-toxic-emissions

Air quality readings from January 2022 revealed chloroprene levels at their highest in the last two years. The Fifth Ward Elementary School, a public K-4 school with a 90% Black student population situated a half-mile from the western edge of the Denka plant, is one of the EPA's four continuous air monitoring stations to observe the Denka facility since 2016. These monitors have picked up numerous days on which the chloroprene concentration was far above EPA standards from March 2020 - January 2022. This monitoring report shows seven days over the previous year during which the concentration of chloroprene was over forty times higher than the EPA standards, including on November 23, 2021 where the concentration was 180 times the .2 $\mu g/m^3$ threshold. The most recently available air quality data is cause for immense concern on the long-term health of these children.

Summary & Conclusion:

The history of this facility and the actions of DuPont and Denka makes clear that this problem will not be solved by relying on voluntary cooperation or other non-enforceable mechanisms. These companies have decimated a safe learning environment for the schoolchildren and thwarted attempts to inflict accountability for far too long. DuPont's history in St. John can be summarized by two main strategies – suppressing information and finally desertion. Since Denka's entrance into St. John, the company has continued to emit chloroprene at toxic levels. DuPont's strategy to suppress information has been further developed by Denka into an active misinformation campaign.

The fifty-four year-long assault on the residents of St. John, a primarily Black community with a deep history of racial oppression from the era of slavery, is one of the most acute manifestations of environmental injustice and institutional racism in this country. The Concerned Citizens of St. John and the Louisiana Bucket Brigade beseech you to take action against the continued emission of chloroprene at toxic levels at this facility with urgency, understanding that the half-century of toxic exposure of chloroprene that neighboring communities have been subjected to must not be protracted any longer. We also would like to offer further collaboration with your office to address this issue, especially for the purposes of facilitating communication between the EPA and St. John's Parish residents or the provision of immediate relief services.

As a first step, we invite you to visit St. John Parish and hold a listening session on Dupont / Denka specifically, and chloroprene more generally, a chemical that we feel should be banned from use and production. You can always contact us via email and phone. Our colleage Shreyas Vasudevan (email: shreyas@labucketbrigade.org; cell: Ex. 5 Deliberative Process (DP)) is the point person on this letter. Should your staff like to arrange for a listening session, Mr. Vasudevan is the contact.

Sincerely,

Robert Taylor, Concerned Citizens of St. John
(504) 559 - 7304
btcnola Ex. 5 Deliberative Process (DP)

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